



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,639	12/17/2001	Robert N. Amensen	P05150US0	1871
27139	7590	08/01/2005	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. ATTN: MAYTAG 801 GRAND AVENUE, SUITE 3200 DES MOINES, IA 50309-2721			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,639

Applicant(s)

AMENSEN ET AL.

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 7/19/05, with respect to the rejection(s) of claim(s) 1-2, 4-7, 9-15, 17 and 24 under 35 USC 102(b) as being anticipated by www.pricewatch.com have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in this Office Action (see below).

Examiner notes that an attempt to duplicate the archived pages for www.pricewatch.com was attempted, however an error was received from www.archive.com indicating that pages are no longer available. As a result of the Examiner being unable to duplicate the pages and thus provide evidence of the date of publication, the rejection had to be withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7, 9-11, 15-19 and 21-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Danneels et al.

Danneels teaches a dynamic linking of supplier web sites (first website) to reseller web sites (second website) which includes the supplier (first) web site adapted to communicate

Art Unit: 3627

product information to consumers and adapted to receive at least one product purchase selection from the consumer (see for example column 3, lines 25-32).

Danneels further teaches a cart transfer for transferring the at least one product purchase selection from the first website to a shopping cart of a second website (see for example column 3, line 45 through column 4, line 6). Examiner notes that transfer of the shopping list to the reseller website so that “the user does not have to reselect the list of items to be purchased one her or she is linked to the reseller’s web site,” and “the purchaser being shown a list of items that were previously selected, along with prices therefor, such that the purchaser has the opportunity to change quantities of the items purchased,” represents a transfer of product purchase selections to a “shopping cart”.

Examiner finds support for this assertion by turning to Applicant’s Specification on page 10, lines 20-28 and Figure 5 for a definition of “shopping cart”. Specifically, Applicant states that “a ‘shopping cart’ or ‘cart’ may also be called a ‘shopping basket,’ ‘shopping bag,’ or other container which a consumer may use to hold items to purchase prior to checking out or otherwise completing a transaction.” Examiner asserts a reseller website including a webpage containing a list of items, previously selected (on the supplier website) such that the purchaser has the opportunity to change quantities (illustrates prior to checking out) meets Applicant’s definition of a “shopping cart”. Further the teaching of Danneels (“the purchaser being shown a list of items that were previously selected, along with prices therefor, such that the purchaser has the opportunity to change quantities of the items purchased”) exactly mirrors the “cart” illustrated by Applicant in Figure 5.

Art Unit: 3627

Danneels teaches one or more inputs for receiving information about consumer preferences (see for example column 3, lines 40-44).

Danneels teaches wherein the first website is a manufacturer website (supplier) and the second website is a customer website (reseller) (see for example Background of the Invention).

Danneels teaches a shopping cart on the first website associated with the consumer and adapted to maintain the product purchase selection (see for example column 3, lines 29-31).

Danneels teaches a customer selection component adapted for the consumer to select the second website (see for example column 3, lines 45-47).

Danneels teaches a price and availability component for receiving price and availability of the product purchase selection from the second website (see for example column 4, lines 1-6). Examiner notes that the user/customer receives price and availability information from the reseller (second website) after being transferred to the reseller (second) website is totally consistent with the language of this claim.

Danneels teaches the capability of the product purchase selection being an appliance. Examiner notes that claim 7 is an apparatus claim, as such the claim distinguish itself over the reference based on its structure. The type of product selected relates to the function of the

Art Unit: 3627

apparatus and as such the system of Danneels need only be capable of use with appliances to anticipate the claim.

Danneels teaches wherein the cart transfer includes passing a product identifier (see for example column 6, lines 45-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Microsoft Computer Dictionary.

Danneels does not teach the cart transfer includes a XML transfer. However Danneels does teach an HTML code for transfer of product information (cart transfer).

As such Examiner relies on Microsoft Computer Dictionary to teach that XML is a condensed form of SGML which lets developer and designers create customized tags that offer greater flexibility in organizing and presenting information than is possible with older coding systems such as HTML (page 489). In other words, Microsoft Computer Dictionary teaches that XML is an old and well known web/Internet coding standard (also see definition of SGML on page 405).

As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the HTML coding of Danneels to XML and in particular to have the cart transfer include an XML transfer, as taught to be old and well known by Microsoft Computer Dictionary. One of ordinary skill at the time of the invention would have been motivated to modify the reference to offer greater flexibility in organizing and presenting information than would have been possible with older coding systems.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Dworkin.

Danneels as described in detail above, teaches dynamically generating and displaying a list of resellers from which the purchaser can directly purchase items prior to transferring the selected product from the supplier (first) website to the reseller (second) website (see column 3, lines 34-45)

Danneels does not teach displaying pricing, availability and policies of the customer website (reseller) prior to transferring the product purchase selection from first website to second website.

Dworkin teaches an automated system to assist users in locating and purchasing goods or services sold by a plurality of vendors. The system provide users with a listing of price, specification (policies) and availability prior to selection and purchase by the user (see Abstract). Dworkin teaches an object of the invention is to greatly reduce the amount of time required in shopping for products (see column 2, lines 63-65).

Art Unit: 3627

It would have been obvious to one of ordinary skill in the art at the time of the invention modify the list of resellers presented to purchasers of Danneels to include information about price, specification (policies) and availability as taught by Dworkin. One of ordinary skill in the art would have been motivated to modify the references in order to greatly reduce the amount of time required in shopping for products.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Applicant's Disclosure.

Danneels as described in detail above does not specifically teach the supplier sells appliances. Applicant admits in the "Problems in the Art" section that it is old and well known for appliance manufacturers to sell their appliances over the Internet. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention modify the products sold in Danneels to specifically include appliances, as it admitted to be old and well known by Applicant. One of ordinary skill in the art would have been motivated to modify the references in order to facilitate the purchase of appliances between the buyers and the manufactures.

Conclusion

Applicant's amendment filed 3/23/05 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3627

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak



ALEXANDER KALINOWSKI
PRIMARY EXAMINER